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7	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON	
8	AT TACOMA	
9	DOANH QUOC NGUYEN,	
10	Petitioner,	CASE NO. C14-5202 BHS-KLS
11	v.	ORDER DENYING PETITIONER'S SECOND MOTION FOR COUNSEL
12	MAGGIE MILLER STOUT,	
13	Respondent.	
14	On April 9, 2014, the Court denied Petitioner's first motion for the appointment of	
15	counsel. Dkts. 8 and 10. On April 17, 2014, Petitioner filed an Amended Motion Requesting	
16	Court Appointed Counsel. Dkt. 11. He states that he is unable to afford counsel, his	
17	imprisonment greatly limits his ability to litigate, counsel would be better able to present	
18	evidence, and that Petitioner is unable to fully understand or read English. Id. He also states that	
19	he has applied to proceed in forma pauperis (IFP). <i>Id.</i> However, Petitioner paid the \$5.00 filing	

20 fee and IFP status has not been granted.

As previously noted by the Court, there is no right to have counsel appointed in cases
brought under 28 U.S.C. §2254, unless an evidentiary hearing is required or such appointment is
"necessary for the effective utilization of discovery procedures." See *McCleskey v. Zant*, 499
U.S. 467, 495 (1991); *United States v. Duarte-Higareda*, 68 F.3d 369, 370 (9<sup>th</sup> Cir. 1995);

ORDER - 1

United States v. Angelone, 894 F.2d 1129, 1130 (9th Cir. 1990); Weygandt v. Look, 718 F.2d 952, 1 954 (9<sup>th</sup> Cir. 1983); Rules Governing Section 2254 Cases in the United States District Courts 2 3 6(a) and 8(c). The Court also may appoint counsel "at any stage of the case if the interest of justice so require." Weygandt, 718 F.2d at 754. In deciding whether to appoint counsel, 4 however, the Court "must evaluate the likelihood of success on the merits as well as the ability of 5 the petitioner to articulate his claims pro se in light of the complexity of the legal issues 6 involved." Id. Petitioner has demonstrated an ability to articulate his claims in his petition for 7 8 writ of habeas corpus.

Additionally, the Court does not find good cause for granting leave to conduct discovery
and has not determined that an evidentiary hearing will be required. *See* Rules Governing
Section 2254 Cases in the United States District Courts 6(a) and 8(c). Moreover, in determining
whether relief is available to Petitioner under 28 U.S.C. § 2254(d)(1), the Court's review is
limited to the record before the state court. *Cullen v. Pinholster*, ---U.S.---, 131 S.Ct. 1388
(2011).

Accordingly, Petitioner's motion for the appointment of counsel (Dkt. 11) is **DENIED**. The Clerk shall send a copy of this Order to Petitioner and counsel for Respondent. DATED this 29th day of April, 2014.

Karen L. Strombom United States Magistrate Judge